

But not enough states have done so. Since Constitutional considerations prohibit the federal government from directing states to enact traffic laws, we at the federal level can only give states funding incentives to act with regard to passenger vehicle drivers. That is why I am today introducing the Distracted Driving Prevention Act of 2009.

First, this legislation would create a grant program to send money to states that enact laws to prohibit texting and hand-held cell phone use while driving. While we wish the states would enact these common-sense safety measures on their own, the history of highway safety tells us that many states will fail to act unless we give them an incentive to do so.

To qualify for a federal grant, a state must enact an absolute ban on texting while driving. No exceptions. There should be no exception for a driver taking his or her eyes off the road. For states to receive the grant, the prohibition on texting must have significant penalties, including increased fines and other penalties for a driver who causes an accident while texting.

The second requirement for a State to receive a grant is to enact a law that bans holding a cell phone while driving. When people drive, both hands should be on the wheel. The grant program does not ask states to completely ban cell phone use by drivers; our legislation would allow the use of a hands-free device during a phone call. We also allow states to make exceptions for holding a cell phone to call for emergency services.

States qualifying for the grant must completely ban cell phone use by drivers under the age of 18. A driver under 18 years old may not even use a hands-free device. For these inexperienced drivers, the additional distraction of using a cell phone can be deadly. Many parents already encourage their teenage drivers to not use a cell phone while driving. But having the police enforce this law will be even more effective.

With more States enacting a ban on texting and hand-held cell phone use, we need to get the message out so that drivers obey the law. Our legislation would create a new national education campaign based upon the tremendous success of the recent drunk driving and seat belt advertising campaigns. These advertising campaigns are not only an opportunity to remind people of the law, but also a means by which to educate drivers about the dangers of texting and cell phone use. This education can change driver behavior even when law enforcement might not be present.

In addition to nationwide advertising, we also will direct NHTSA to target some local markets with advertising in states and cities that have already passed texting and cell phone use laws.

Unlike passenger vehicle drivers, a truck driver's vehicle is also his or her

office space. Devices to receive directions, follow-up on orders, or maintain contact with dispatchers are necessary to perform a truck driver's duties. These devices, too, can become distractions, as they require eyes and attention to be removed from the roadway. Therefore, this legislation would require the Secretary of Transportation to issue regulations within one year specifically on the use of electronic and wireless devices by commercial motor vehicle drivers and those who operate certain school buses. The Secretary would be authorized to ban the use of certain devices if the Secretary determines that they interfere with the safe operation of a commercial motor vehicle. The bill also would allow the Secretary to permit exceptions for emergency uses. We need to make sure that commercial motor vehicle drivers are operating their trucks and buses in the safest manner possible.

Furthermore, this legislation will require that states, as part of their federal grant for data collection, begin collecting distracted driving data about each vehicle crash, starting with the police reports of the crash. By requiring law enforcement officers to inquire about the possible role that texting or cell phone use might have played in a crash, and requiring states to collect that data, we can better understand the scope and causes of the distracted driving problem.

To bolster the new data collection at the state level, this legislation would require the Transportation Secretary to establish a dedicated program at the Transportation Department to study all forms of distracted driving across all modes of transportation. Better research is essential to finding the best strategies for reducing deaths and injuries caused by distracted driving.

This legislation also charges the Federal Communications Commission with studying potential initiatives to raise awareness and reduce the problems caused by distracted driving. By bringing aboard the agency with oversight of wireless carriers, we add another stakeholder that can help us develop creative solutions to address this problem.

One last note about this legislation: it is paid for. The grant program that encourages states to enact a primary seat belt law has run a surplus in recent years as the number of states enacting a new primary seat belt law has slowed. Any state that enacts a new primary seat belt law in 2010 and 2011 would still receive their safety belt grant. But the remainder of the funding for that program will be redirected for the nationwide distracted driving advertising campaigns, and sent as grants to states that prohibit texting and hand-held cell phone use.

Creating incentives for states to take action against distracted driving, launching a nationwide campaign to educate drivers about the dangers of texting and cell phone use, and collecting better data about driver behav-

ior will result in fewer deaths and injuries on our nation's roads.

I ask my colleagues to support this comprehensive bill that will save lives and prevent injuries by reducing distracted driving.

## SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 323—HONORING EDWARD W. BROOKE, III, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF MASSACHUSETTS, ON THE OCCASION OF HIS 90TH BIRTHDAY**

Mr. BURRIS (for himself, Mr. KERRY, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 323

Whereas Edward W. Brooke, III, served in the United States Senate with great dedication, integrity, and professionalism as a trusted colleague from the Commonwealth of Massachusetts;

Whereas Edward Brooke was the first African American elected by popular vote to the United States Senate and was the first African American to serve in the United States Senate since the Reconstruction Era;

Whereas Edward Brooke served on the Commission on Civil Disorders under President Lyndon B. Johnson, where his work on discrimination in housing served as the basis for the Fair Housing Act of 1968 (42 U.S.C. 3601 et seq.);

Whereas Edward Brooke was awarded the Presidential Medal of Freedom on June 23, 2004;

Whereas Edward Brooke was awarded the Congressional Gold Medal on October 28, 2009;

Whereas Edward Brooke's long and distinguished career in public service included serving in the United States Army during World War II, as Attorney General for the Commonwealth of Massachusetts, and as chairman of the board of the National Low Income Housing Coalition; and

Whereas Edward Brooke celebrated his 90th birthday on October 26, 2009: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges and honors the unprecedented and enduring achievements and contributions made by Edward W. Brooke, III, during his distinguished career of public service to the United States; and

(2) congratulates and expresses best wishes to Edward Brooke on the celebration of his 90th birthday.

**SENATE RESOLUTION 324—DESIGNATING NOVEMBER 1, 2009, AS "NATIONAL HEMANGIOMA TREATMENT AWARENESS DAY"**

Mr. GRAHAM submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas hemangiomas are the most common benign tumors that occur in infancy;

Whereas hemangiomas appear at birth, or within the first several months of life;

Whereas, each year, approximately 400,000 children in the United States are born with hemangiomas and other vascular anomalies;

Whereas hemangiomas and other vascular anomalies can have a negative effect on the emotional development of a child;

Whereas awareness of the impact of hemangiomas and vascular anomalies on children, their families, and society will lead to improvements in the care of children with hemangiomas;

Whereas the National Institutes of Health supports research on the treatment of, and cure for, hemangiomas and other vascular anomalies;

Whereas The Hemangioma Treatment Foundation has the unique mission of providing treatment to children affected with hemangiomas and other vascular anomalies; and

Whereas The Hemangioma Treatment Foundation is dedicated to finding a cure for hemangiomas and other vascular anomalies: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 1, 2009, as “National Hemangioma Treatment Awareness Day”; and

(2) respectfully requests that the Secretary of Senate transmit a copy of this resolution to The Hemangioma Treatment Foundation.

# SENATE RESOLUTION 325—DESIGNATING OCTOBER 25 THROUGH OCTOBER 31, 2009, AS “NATIONAL HISPANIC MEDIA WEEK” IN HONOR OF THE LATINO MEDIA OF AMERICA

Mr. REID (for himself, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. BENNET, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

## S. RES. 325

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas there are over 800 Hispanic newspapers with a circulation of 17,800,000, and over 550 Hispanic magazines with a circulation of 31,600,000;

Whereas Hispanic television and radio programs respond to the bilingual needs of the United States Latino population;

Whereas market research estimates that the reach of Spanish language television is nearly universal;

Whereas 1 in 8 Americans is served by a Hispanic publication throughout the Nation;

Whereas the Latino print media generated \$1,400,000,000 in revenue last year, despite adverse economic conditions;

Whereas the Hispanic press informs many Americans about significant political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 25 through October 31, 2009, as “National Hispanic Media Week” in honor of the Latino Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2703. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental

Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2704. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2705. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2706. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2707. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

SA 2703. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 22, add the following:

### SEC. 205. EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

SA 2704. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 9, add the following:

### SEC. 6. EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

SA 2705. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, line 22, strike all through page 7, line 9, and insert the following:

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of such Code is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a comma, and by adding at the end the following new paragraphs:

“(3) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase, or

“(4) the taxpayer fails to attach to the return of tax for such taxable year a certified statement of the taxpayer's eligibility for the tax credit issued by the real estate reporting person (as defined in section 6045(e)(2)) with respect to such purchase.”.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of such Code is amended by inserting “(or, if married, such individual's spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of such Code, as amended by this Act, is amended by striking “and” at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting “, and”, and by inserting after subparagraph (O) the following new subparagraph:

“(P) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(3),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in paragraph (3) or (4) of section 36(d).”.

(e) INVESTIGATION AND PROSECUTION; REPORT.—The Commissioner of Internal Revenue shall take such steps as are necessary to investigate and prosecute instances of fraud related to the first-time homebuyer tax credit under section 36 of the Internal Revenue Code of 1986. The Commissioner of Internal Revenue shall provide reports to Congress on the status of the investigatory and prosecutorial actions not later than 90 days after the date of the enactment of this Act, and quarterly thereafter.

(f) EFFECTIVE DATE.—

SA 2706. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

### SEC. . WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.

(a) IN GENERAL.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

“(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with